

REMARKS

Applicant, by the amendments presented above, has made a concerted effort to present claims which more clearly define over the prior art of record, and thus to place this case in condition for allowance.

Claim Rejections - 35 U.S.C. §102(b)

Claims 13, 14, 18-21 and 23 were rejected under 35 U.S.C. §102(b) as being anticipated by GB 2,315,559 to Horsfall. Reconsideration of the rejection in view of the amendment made herein is requested.

Applicant submits that the struts as defined in the claims of the present application do not correspond to the frame of Horsfall. The struts of the present invention act in a significantly different, non-obvious and advantageously much more rigid manner than the frame of Horsfall.

Nevertheless, to clarify the inventive aspect of the present invention from Horsfall, claim 13 has been amended to specify “two struts each of which extends effectively over the full distance between the shoes to enhance the rigidity of the apparatus whilst being readily separable from the shoes to facilitate portability of the struts and shoes.” The specification has been accordingly amended and no new matter has been presented as this is clearly shown in Figure 1. This clearly is not disclosed or taught in Horsfall.

Therefore, Applicant submits that amended claim 13 is not anticipate by Horsfall. Reconsideration and allowance is requested.

Finally, Applicant advises that in the European application 00958772.6 which corresponds to the present application, the European Examiner allowed claim 13 as presented prior to this Amendment.

Claim Rejections - 35 U.S.C. §102(b)

Claim 17 was rejected under 35 U.S.C. §103 as being unpatentable over GB 2,315,559 to Horsfall in view of United States Patent No. 3,949,822 to English et al. Claim 17 is dependent upon claim 13 which Applicant submits is in condition for allowance. Therefore, Applicant submits that claim 17 is allowable. Reconsideration and allowance of claim 17 is requested.

Allowable Subject Matter

The Examiner indicated that claims 15, 16 and 22 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 15 and 22 have been rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 16 is dependent upon claim 15. Allowance of claims 15, 16 and 22 is requested.

Claims 24 and 25 depend upon one of claims 15 and 16 and are identical to claims 19 and 20. Therefore, Applicant submits that new claims 24 and 25 are allowable.

Specification

An amendment to the related applications has been made to remove the statement that this application "claims priority" from the PCT application as this is the national phase application of the PCT application.

Amendments to the specification have been made to identify U.K. Patent Application No: 9715092.4, as U.K. Patent No. 2,315,55. In addition, statement regarding this prior art patent have been included.

An amendment to the specification has been made to conform to those made in amended claim 13.

An Abstract has been provided as the last page. Previously the Abstract only appeared on the first sheet of the published PCT application. To ensure that a proper Abstract is provided, Applicant provides same herein.

Entry of the amendments to the specification is requested.

In view of the above Amendments and Remarks, Applicant respectfully submits that the claims of the application are allowable over the rejections of the Examiner. Should the Examiner have any questions regarding this Amendment, the Examiner is invited to contact one of the undersigned attorneys at (312) 704-1890.

Respectfully submitted,

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